



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



May 10, 2004

**LETTER OF DEFICIENCY #WSEB 04-060**  
**CERTIFIED MAIL 7000 0600 0023 9933 8170**

Douglas Abrams  
Baczak, Inc.  
3611 Lafayette Road  
Portsmouth, NH 03801

Subject: Plaistow - Public Water System: Brickyard II Plaza (EPA #1938150)

Dear Mr. Abrams:

The records of the Department of Environmental Services (DES) show that the Brickyard II Plaza water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

DES records show that the subject water system failed to submit a bacteria sample and as a result a Monitoring/Report (M/R) violation was issued for the month of **December 2003**. A copy of the Notice of Violation (NOV) dated January 23, 2004, is enclosed.

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteriological water quality. As a result of the failure to perform public notification for the **December 2003** M/R violation, NOV dated March 18, 2004, was sent to you (copy enclosed). The NOV requested that you issue public notification within 30 days of learning of the M/R violation and submit copies to DES immediately. To date, no proof of public notice has been received by DES, thus placing the water system in violation of Env-Ws 351.01.

In view of the public notice violation, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

1. **By May 24, 2004** carry out the public notice requirements for the December 2003 sampling violations; and
2. **By May 31, 2004**, provide proof of public notice to DES.

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**If you have already done the public notice, then please forward it Barbara Thoits at the address listed on the form immediately.**


In the event compliance is not achieved within the above set forth time period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please continue to submit water samples according to the water system's Master Sampling Schedule enclosed.

Please contact Anne Bailey by phone at (603) 271-0672 or by e-mail at [abailey@des.state.nh.us](mailto:abailey@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,

**COPY**

  
Rene Pelletier, P.G., Manager  
Land Resource Programs

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Enclosures: M/R Notice of Violation dated January 23, 2004  
P/N Notice of Violation dated March 18, 2004  
Master Sampling Schedule  
Bacteria M/R Public Notice Form

cc: Gretchen R. Hamel, DES Legal Unit Administrator  
Town of Plaistow Health Officer  
Christopher Ryan, Sampling Agent (w/enclosures)  
EPA, Region 1